S. HRG. 99-1017

TRANSFER OF RFK STADIUM TO THE DISTRICT OF COLUMBIA

HEARING

BEFORE THE

SUBCOMMITTEE ON
GOVERNMENTAL EFFICIENCY
AND THE DISTRICT OF COLUMBIA

OF THE

COMMITTEE ON GOVERNMENTAL AFFAIRS UNITED STATES SENATE

NINETY-NINTH CONGRESS

FIRST SESSION

DECEMBER 5, 1985

Printed for the use of the Committee on Governmental Affairs

U.S. GOVERNMENT PRINTING OFFICE

66-078 O WASHINGTON : 1987

For sale by the Superintendent of Documents, Congressional Sales Office
U.S. Government Printing Office, Washington, DC 20402

S401-23

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TRANSFER OF RFK STADIUM TO THE DISTRICT OF COLUMBIA

THURSDAY, DECEMBER 5, 1985

U.S. SENATE,
SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY
AND THE DISTRICT OF COLUMBIA,
COMMITTEE ON GOVERNMENTAL AFFAIRS,
Washington, DC.

The subcommittee met, pursuant to notice, at 3:50 p.m., in room SR-385, Russell Senate Office Building, Senator Mathias (chairman of the subcommittee) presiding.

Present: Senator Eagleton.

OPENING STATEMENT OF SENATOR MATHIAS

Senator MATHIAS. The Subcommittee on Governmental Efficiency and the District of Columbia will consider this afternoon legislation to transfer title of the Robert F. Kennedy Stadium to the District of Columbia.

I want to, first of all, thank the witnesses who appear today. They have altered their own schedules so that we could have an expeditious hearing. We want to work as quickly as possible. We know that this has meant responding on short notice. We did not want to delay Senate consideration of this legislation.

The bill before us, H.R. 2776, directs the Secretary of the Interior to convey title to RFK Stadium to the District of Columbia and further directs that the stadium will be used for certain stated purposes. This conveyance would be the final step in a process which began with the Stadium Act of 1957, pursuant to which the stadium was built.

In 1960, nearly $20 million in 20-year revenue bonds were issued by the District of Columbia Armory Board in order to finance the construction of the stadium. The act provided that the District of Columbia would advance funds to meet the annual interest and principal payments on the bonds which would not be covered by stadium revenues. However, stadium revenues were never sufficient in meeting these payments and over the years the District of Columbia made interest payments totaling $12.8 million.

In 1977, a Presidential task force on the District of Columbia addressed the issue of retiring stadium bonds—due in December 1979. Agreement was made that the city would absorb the $12.8 million in interest payments it had made, and would split the responsibility for payment of the bond principal with the Federal Government. Finally, the task force made a recommendation that, upon

retirement of the debt, title to the stadium be transferred to the city.

Today we are addressing this final step. We will hear from the Delegate of the District of Columbia to the House of Representatives, Walter Fauntroy, the Mayor, and the chairman of the city council. We have also asked Frank Smith, a member of the city council and chairman of the District of Columbia Commission on Baseball to be with us, in recognition of the stadium's importance to the local effort to return baseball to our Nation's Capital.

Finally, the Committee of 100 on the Federal City, a self-described "citizens forum on the principal planning issues of the Federal City" will address the historical planning issues involved in this transfer.

Mr. Eagleton.

Senator EAGLETON. Thank you, Mr. Chairman. I have an opening statement, but I will have it printed in the record as though read, with your permission.

Senator MATHIAS. So ordered.

[Senator Eagleton's opening statement follows:]

OPENING STATEMENT OF SENATOR EAGLETON

Mr. President, Senator Mathias and I, as chairman and Ranking Minority Member of the Subcommittee on Governmental Efficiency and the District of Columbia, have spent many an hour reviewing matters relating to the District. I know I speak for both of us when I say that we have consistently attempted to base that review on the principles of Home Rule. At the same time, we have had to weigh and protect what has come to be known as the "federal interest" in District affairs.

In the matter before the Senate now, the transfer of the title to RFK Memorial Stadium from the Federal Government to the District of Columbia, I am convinced that it is both in the interest of Home Rule and the federal government for the Senate to act favorably on the bill. Local funds covered nearly two-thirds of the some $33 million cost of the stadium; a local entity, the D.C. Armory Board, operates and manages it, and the stadium serves an almost purely local function—a site for the games of a local professional football team, for rodeos, rock concerts, tractor pulls, and so on. I therefore support passage of H.R. 2776 and, knowing of and sympathizing with the City's intense interest in acquiring one of baseball's expansion franchises, I am pleased that the bill is on the verge of passing.

There is one matter that arose during my review of the legislation, however, that greatly concerns me. Traditionally the stadium has been operated by a municipal agency. Nonetheless, it is possible under the D.C. Stadium Act of 1957 (D.C. Code, Title 2, Section 306) for the agency, the Armory Board, essentially to transfer its powers and functions to another entity, and for any length of time. Other cities around the country in similar circumstances have not always fared well. While such a transfer of authority has never been done here, and while it may never be done, I feel that it is prudent to ensure that all sports teams which might be tenants in the stadium, as well as other, non-sports users, operate under the most neutral and equal management possible.

Consequently, at last week's hearing before the D.C. Subcommittee, I questioned City officials on this point. I was quite gratified to learn that they, too, want to ensure full and fair use of the Stadium. D.C. Council Chairman David A. Clarke indicated that he would introduce legislation in the Council to meet these concerns, and Mayor Marion Barry said he would support such legislation.

I am pleased that a solution making full use of the District's own legislative powers and processes has been adopted. It seems to me to be far better for the D.C. government to take responsibility for protecting the public's interest in the stadium than for Congress to do it. I ask unanimous consent that the language that Chairman Clark intends to offer in Council and have the Council consider in an expeditious manner be included at this point in the Record. I also ask unanimous consent that a letter from Chairman Clarke, Council Member Frank Smith, and Mayor Barry, in which they strongly endorse the proposed Council bill, included in the Record as well.

Senator MATHIAS. I will now ask Delegate Fauntroy if he will give us his statement.

TESTIMONY OF HON. WALTER E. FAUNTROY, DELEGATE, U.S. HOUSE OF REPRESENTATIVES

Representative FAUNTROY. Thank you, Mr. Chairman.

I am here today to urge this subcommittee and the Senate to join the unanimous voice of the U.S. House of Representatives by acting favorably on H.R. 2776.

As you know, H.R. 2776 is a bill which would amend the District of Columbia Stadium Act of 1957, Public Law 85-300, to direct the Secretary of the Interior to convey to the government of the District of Columbia all right, title, and interest to the Robert F. Kennedy Memorial Stadium, currently vested in the U.S. Government.

Mr. Chairman, almost a decade ago in 1977, you, Senator Eagleton, and I served on a bipartisan task force on the District of Columbia that was chaired by the Vice President and included other Members of the House and Senate. District government and certain other key Federal representatives also served on the task force.

As a part of the work of the task force, agreement was reached with respect to RFK Stadium. First, it was agreed that the $19.8 million needed to redeem the stadium bonds would be paid half by the Federal Government and half by the District government.

Second, the District of Columbia government agreed to absorb the $12.8 million which it had paid for debt service on the bonds.

Third, it was agreed that title to the stadium and associated land would be transferred to the district upon redemption of the bonds.

These agreements were reached with the knowledge that all operating losses incurred by the stadium had been paid by the District since the stadium was built in 1964.

To date, every aspect of that agreement has been met with one exception, the transfer of the stadium to the District. H.R. 2776 represents the second effort by the House of Representatives to insure that the terms of that 1977 agreement are fully met. During the 98th Congress, we passed a similar bill by unanimous voice vote. Unfortunately, the Senate did not act on that measure.

Mr. Chairman, you are a lawyer and I am a minister. However, if the history of the American legal system is studied closely, it is apparent that many of the principles of law spring from well established religious principles.

Senator MATHIAS. I like to hear you say that.

Representative FAUNTROY. Amen.

It is for that reason, Mr. Chairman, that I say with confidence that I believe we are morally and legally bound to satisfy the task force agreement regarding RFK Stadium, an agreement which occured later in time than the 1957 Stadium Act. By passing H.R. 2776, we meet the technical requirements for bringing the 1977 agreement into conformity with the 1957 act.

I am aware that out of the broad support for transfer of the stadium comes the Committee of 100 on the Federal City. That committee opposes the transfer because, as I understand it, the com-

mittee feels that transfer runs counter to vital, long range planning.

I am sure that representatives of the city will respond in great detail to that concern, but let me just say to the members of that committee and to you, Mr. Chairman, that we were very careful in drafting this legislation in the House. To guard against unbridled and unanticipated use of the property to be transferred, we made the transfer subject to certain terms and conditions.

Expressly written into H.R. 2776 are provisions mandating that the property be used:

(1) For stadium purposes only, (2) for providing recreational facilities, open space, or public outdoor recreation opportunities, (3) for public purposes for which the property was used prior to June 1, 1985, and (4) for public purposes for which the property was approved for use by the Secretary of the Interior with the concurrence of the National Capital Planning Commission prior to June 1, 1985.

The bill also provides that the "Title to the property shall not be transferred"—and I emphasize "shall not"—"by the District to any person or entity other than the United States."

It should be understood that H.R. 2776 was not introduced and passed because the District of Columbia is interested in bringing major league baseball to Washington, DC. It was passed, as I have stated, because certain commitments were made almost 10 years ago. But, it should also be understood that bringing major league baseball to Washington, DC, hinges very heavily on passage of this bill. Quite frankly, without ownership of the stadium, the District cannot engage in meaningful discussions, let alone negotiations, about a team.

Major league baseball in Washington, DC, like the Metrorail system, is a regional matter. In the fall and winter, the Redskins football team links the 3.3 million people of this region, from Maryland, Virginia, and the District, like no other activity. But, in the spring and summer, we experience a void.

Baseball in Washington, DC, is more than just a game. It is 700 new jobs for our region. It is $40 million new revenue dollars a year for the tourist, hotel, restaurant, and other allied industries of our region. It is yet another attraction for the nearly 16 million tourists who come here each year. It is a healthy diversion for our young people who are too often idle when school closes.

Mr. Chairman, the major league owners meet this weekend, perhaps to decide on two expansion teams. To date, over 40 banks in Maryland, Virginia, and the District serve as depositories for $7 million in cash and pledges from those persons who want baseball here. More than 12,500 season tickets have been pledged thus far at $567 per ticket. The Mayor has proclaimed this week as "Baseball Week" in the District. It could make the difference in San Diego if it could be said that the Senate passed H.R. 2776, and the District owns RFK.

It was the writer Burke who on one occasion stated, "There is but one law, that law which governs all law—the law of our Creator, the law of humanity, justice, equity; the law of nature and of nations." By passing this law, H.R. 2776, we meet that law, as described by Burke.

Thank you, Mr. Chairman.

With that, if I were fully a representative of all the people of the District of Columbia in the Senate, I would move passage of this measure. Inasmuch as I am not, I must here appeal to you. I hope that you will be guided by the judgment of the Lord.

Senator MATHIAS. Well, we look forward to the day when you will be able to represent the District of Columbia with all that authority and power that is vested in full representation, which I think has been too long delayed.

Representative FAUNTROY. Thank you, Mr. Chairman.

Senator MATHIAS. In your statement you say that major league baseball, like the Metrorail system, is a regional matter. I think that is probably true because it will take the support of the entire metropolitan region to make any professional sport a success, and be made a permanent part of the landscape of the District of Columbia.

What do you think is the best way to stimulate this regional character, which I think is such an important part of the stadium's future?

Representative FAUNTROY. I think two things would be in order. One would be to pass the bill. The second would be to take an instructive example from the State from which the distinguished gentleman to your right hails where they had what they called—what was that series called?

Senator EAGLETON. Oh, the I-70 series.

Representative FAUNTROY. Yes, I-70.

We need a Gladys Noon Spellman series that would have the American League champions in Baltimore and the National League champions in the Nation's Capital playing the World Series. If everybody got that vision, I think they would be very supportive of the action that you are about to take.

Senator MATHIAS. Senator Eagleton.

Senator EAGLETON. That is a marvelous answer. Is that right off the top of your head?

Representative FAUNTROY. It just occurred to me.

Senator EAGLETON. Great. I have nothing to add.

Senator MATHIAS. When you have the Lord's inspiration, you can do wonderful things.

Representative FAUNTROY. Thank you very much, Mr. Chairman.

Senator MATHIAS. Thank you very much.

Our next witness will be Hon. Marion Barry, the Mayor of the District of Columbia.

TESTIMONY OF HON. MARION BARRY, JR., MAYOR, THE DISTRICT OF COLUMBIA,[1] ACCOMPANIED BY JAMES DALRYMPLE, GENERAL MANAGER, THE ARMORY BOARD, DAVID A CLARKE, CHAIRMAN, DISTRICT OF COLUMBIA CITY COUNCIL;[2] AND FRANK SMITH, CHAIRMAN, DISTRICT OF COLUMBIA COMMISSION ON BASEBALL[3]

Mayor BARRY. Mr. Chairman, may I ask that Chairman Clarke, Mr. Smith, and myself appear as a panel?

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[1] See p. 69 for Mayor Barry's prepared statement with attachment.
[2] See p. 28 for Mr. Clarke's prepared statement.
[3] See p. 34 for Mr. Smith's prepared statement.

Senator MATHIAS. I think that would be alright if that is desirable to you. I hesitated to propose it. But since you have suggested it, I welcome it.

Mayor BARRY. Mr. Chairman, and members of the subcommittee, I appreciate this opportunity to join Chairman Clarke and Councilman Smith, who represents Ward 1, and Jim Dalrymple, who is the general manager for the stadium armory to present testimony on H.R. 2776, a bill to transfer title to R.F.K. Memorial Stadium from the Secretary of the Interior to the District of Columbia government.

Mr. Chairman, just let me say that from the very beginning the mayor and the council support the enactment of H.R. 2776 without any amendments, as reported out of the House of Representatives. We do that because construction of the stadium, as you have indicated, was authorized in 1957, and, as you have also indicated, the armory at that time was not able to pay the interest on the bonds. The District of Columbia government out of its own funds—not out of the Federal payment but out of its own local taxpayers' money—paid off the interest of $12.8 million, and it also shared in the payment of the $19.8 million principal.

Also, Mr. Chairman, we do that in the interest of home rule. The stadium is now self-sustaining. It does not get any income from the D.C. government nor the Federal Government. Mr. Dalrymple, our general manager, will have some figures on that. We derived all of our income from the operation of the stadium and the armory. I also chair the armory board, along with Stu Long and General Franklin. We now have some $3 million in the bank, indicating that we understand how to manage the stadium.

But more importantly the task force, which you and Congressman Fauntroy spoke of, made a three-point proposal in 1977. At that time I was a member of the city council. So was Mr. Clarke. We supported the budget for the repayment of the principal. In fact I was chairman of the finance and revenue committee and a member of the budget committee of that council which supported the Appropriations Act of 1978 and 1979. As you know, all the bonds were redeemed as originally promised for on December 1, 1979.

It seems to me that when you start out with an agreement on a three-point program, you then expect that if the first two parts of the agreement are met by the District, then the third part would be met by the Federal Government.

This legislation is firmly supported by the Secretary of the Interior, by the President of the United States, and would be signed if passed by the Senate and the House. It seems to me that since all parties to the agreement, who may or may not have been present but the institutions were present, agree, then we have a moral obligation and other obligations to pass the legislation unamended.

Mr. Chairman, I know there is some concern about the regional cooperation that goes on in this region. It has been healthy. The Metro system is an example of healthy cooperation. It also costs each jurisdiction to participate. The District of Columbia government subsidizes Metro with some $100 million, which is 50 percent of the subsidy. The District of Columbia operates Blue Plains

Treatment Plant fully with other jurisdictions participating by paying their fair share of the user charges.

It seems to me that the stadium is operated very well. We have an opportunity to operate it even better with baseball coming to Washington. We certainly support baseball coming to Washington.

But even without a baseball team, from a financial point of view, for the last 7 years that I have been chairman of the Armory Board we have operated in the black. With a baseball team coming, the stadium itself would continue to operate that way. Moreover, Mr. Chairman, we believe that with the transfer of the stadium to the District, the District of Columbia government—both the council and the executive—would have an opportunity to enact legislation that would establish the governing body for the stadium and also enact other legislative acts that would protect the interests of the public in the stadium.

Finally, Mr. Chairman, let me say that there has been some concern about whether or not it would be in the public interest for the stadium to be owned by someone else besides the District of Columbia government or through a master lease. Congressman Fauntroy has spoken to the first question in saying that the bill itself prohibits that transfer. More importantly, the Armory Board has been approached on several occasions by several groups about a master lease, and we have rejected those options because we did not think it was in the best interest of the public.

In closing we would urge the two Senators who have been supportive of home rule and who have been our friend even when it wasn't popular to do so to support H.R. 2776 without any amendments as proposed by the House.

Thank you very much, Mr. Chairman.

I am sure I am going to be before the committee again before the two distinguished Senators from Missouri and Maryland do not seek reelection again, but just in case I don't have an opportunity to do that, I want to thank both of you for your outstanding leadership and outstanding support for home rule. We appreciate your outstanding support for the leadership of the District of Columbia and for the close working relationship since I have been Mayor, while I was on the council and president of the school board.

So, I just wanted to add that to our testimony because we are deeply grateful for that support, since we have to depend on the 100 Senators and the 435 Representatives to be our vote. Although Congressman Fauntroy is a good voice, he doesn't yet have a vote, so we have appreciated that leadership on the part of both you, Mr. Chairman, and of Senator Eagleton.

Thank you very, very much.

Senator MATHIAS. Well, we appreciate your kind remarks. Both Senator Eagleton and I have supported the causes of the District of Columbia as a labor of love as well as a matter of duty.

Would you like to entertain questions now, or should we ask Mr. Clarke and Mr. Smith to give their statements?

Mayor BARRY. I would suggest that Mr. Clarke and Mr. Smith give their opening statements, and then we could entertain questions.

Senator MATHIAS. All right, we will do that.

Mr. Clarke.

Mr. CLARKE. Mr. Chairman, I will make my written statement a matter of record, if you will, and only briefly summarize it here.

Senator MATHIAS. Without objection, your written statement will be made a part of the record.

Mr. CLARKE. In short, Mr. Chairman, the District of Columbia taxpayers paid for the stadium. It ought to be theirs. That is a principle under which a number of laws have been written and under which a number of people have lived. It is a very simple principle, and it is one which is applicable as between jurisdictions and governments as well as between individuals.

The dollar figures—I won't go through those again. The Mayor indicated that.

The Federal administration has, through a letter of the Secretary of the Interior and which is attached to my written testimony, found no Federal interest question. Indeed, they have found this to be of benefit of the Federal Government inasmuch as the cost of ownership which is now paid for by the Federal Government will be paid for by the District of Columbia government, if you proceed ahead and approve the legislation.

As indicated by the Mayor, the transfer of the title is necessary to the development of a baseball team in Washington, DC. I have been in the District of Columbia since the inception of home rule, and I have found no one thing to bring the people of this region together more than baseball itself, that is, more than professional sports themselves. I think that anything that anybody can do to assure the expeditious approval of a baseball team for the District of Columbia will be appreciated as a regional activity.

Inasmuch as the expeditious unamended passage of this legislation would be helpful to the procurement of a baseball team for the District of Columbia, I think the expeditious unamended passage of this legislation would be seen regionally as a beneficial activity.

Senator MATHIAS. Thank you very much, Mr. Clarke.

Mr. Smith.

Senator MATHIAS. Mr. Smith, without objection, your written remarks will be made a part of the record.

Mr. SMITH. Thank you very much, Mr. Chairman.

My name is Frank Smith. I am the chairman of the D.C. Baseball Commission and the city councilman representing the first district of Washington, DC.

I speak to you today on behalf of the Baseball Commission which is regional in nature, not only composed of people from Washington, DC but people from Maryland and Virginia, an elected official from Prince Georges County, as well as an appointed official from the Fairfax County Board of Supervisors and one of whose honorary chairpersons, in addition to the Mayor and chairman of the council, is the Governor of Virginia, Governor Robb.

I would like to also join my colleagues in thanking you for considering this matter and hopefully reporting it out expeditiously because, as you know, baseball is going to meet this weekend and sometime in the middle of next week will probably make a decision regarding expansion.

I represented the Baseball Commission on November 7 in New York City at a meeting of the Long Range Planning Commission where I said to the Long Range Planning Commission that the

Washington, DC of 1985 was very different from the Washington, DC, of 1971 when baseball left town and that this was a region that was used to cooperating with each other and that this was now a city that had a hustling bustling downtown, a growing economic development atmosphere, an operating metro system, and two or three highways that had exits at RFK Stadium, and that we had now more than 14,000 fans from Washington, Maryland, and Virginia who had paid more than $8 million into area banks, and that we were ready for a ball club.

The prospect of a team, however, is clouded by the fact that Washington, DC, does not have, that is, that the District government does not have clear title to R.F.K. Stadium, although, as the mayor and the chairman of the council have already indicated, the people of the District of Columbia have already paid their own local tax dollars to pay for the stadium. And, not only that, but we have set aside $13.7 million to complete the repairs at R.F.K. Stadium that will be necessary to get the stadium ready to play baseball. The people of the District of Columbia have shouldered that weight and have taken the responsibility for future repairs because we believe that the $2.4 million in taxes that will be generated by a baseball team annually and the $40 million economic impact and the 700 or so jobs that will be generated by a team are important to our local economy. We see this as something that can benefit our area very much.

The people in the region who work with us are very much aware that the quality of life associated with having a team—the people in Maryland and Virginia who work with us on the Baseball Commission and who have worked hard with us and campaigned with us—can be enhanced substantially by having a baseball team here.

For those reasons, they have worked with us and have worked in this campaign and have an interest in it that is commensurate with ours in that area.

We have an additional interest, however, as I said earlier, in the kind of economic impact that a baseball team could bring. Not only would it create, as I said, dollars, but it would create jobs for some of the unemployed youth in our city who now cannot find employment in the high-tech industry that our downtown area is generating.

So, there are a lot of reasons why we want to see this bill passed.

Again, in conclusion, we support the bill H.R. 2776 because the Nation's Capital needs baseball, and we need the bill unamended as quickly as possible so that we can continue in our effort to obtain a franchise for the Nation's Capital.

Thank you very much.

Senator MATHIAS. Thank you, Mr. Smith.

Mr. Dalrymple, do you want to make a statement?

Mr. DALRYMPLE. Mr. Chairman, rather than make a statement, I would just like to say that I am here and available for any questions as to past budgets, present budgets, any of the present programs we have going or future plans at the stadium.

Senator MATHIAS. Thank you.

Let me turn first to Senator Eagleton to see what questions he has.

Senator EAGLETON. Thank you very much, Mr. Chairman.

I am going to an Intelligence Committee meeting. You are very courteous to yield to me at this time.

Let me just tidy up a few loose ends.

Mr. Dalrymple, how many events have you had at R.F.K. in 1985?

Mr. DALRYMPLE. In 1985, we will have had approximately nine events at R.F.K. Stadium.

Senator EAGLETON. How many?

Mr. DALRYMPLE. Excuse me, 9 Redskin games and we will have 5 other events, giving us just 14 events in the stadium for the year.

Senator EAGLETON. The five other events are, like, rock concerts and things like that?

Mr. DALRYMPLE. Rock concerts, tractor pulls, things of this nature.

Senator EAGLETON. Would the three elected officials agree that if a baseball franchise is not awarded to the District of Columbia that the $13.7 million bond issue would then not go forward?

Mayor BARRY. The idea of the $13.7 million was to reconfigure the stadium when we got baseball. Obviously, without baseball there is no need to reconfigure the stadium, and in fact the armory board has already decided to delay any major renovations of the stadium until——

Senator EAGLETON. Well, there are items in the bond issue that go beyond reconfiguration. There are items that I would call enhancement. But, in any event, for a 14-event stadium that could not justify putting $13.7 million in it.

Mayor BARRY. The council can speak for itself, but in discussion with Chairman Clarke and Councilman Smith, the understanding was this was to be used to indicate the seriousness of the city government in its pursuit of baseball and not to be used if baseball did not come here.

Mr. CLARKE. I would confirm that.

Senator EAGLETON. Now, through the years there has been discussion in the press of the so-called master lease. Mr. Cooke is quoted every year on the subject matter. You have articles in 1983, 1984, and 1985.

I follow professional sports pretty carefully. Where there are two major tenants in a stadium, two major sports tenants in a stadium, there are some inherent difficulties by reason of their joint presence, not the least of which is scheduling and practice use of the fields and what have you.

So, my question is this. Is there the slightest possible notion that the Armory Board would consider a master lease to Mr. Cooke?

Mayor BARRY. Senator Eagleton, let me say that all five of us here are elected officials, and we know how the press cannot always accurately report the facts that are going on. Everytime I read this, I don't know the basis of it. I have been chairman of the armory board for 7 years. This issue has come up every other year. I think it would be incompatible with the public policy for the armory or any other successor board that managed the stadium to enter into a master lease with any one individual.

You would have more than one ownership with football and baseball.

Moreover, Senator Eagleton, the city high schools use our stadium for their football game. There are a number of other activities there. So, I think the public body ought to retain control of the stadium with the understanding as to how these leases intergrate themselves into the scheduling activities of the various sports events. We did have soccer at the stadium. Unfortunately, the team was not as successful as we would like for it to have been. It could not make it financially.

Also, Senator Eagleton, you may remember we had the Federals here, and we worked out those scheduling problems. So, I guess the bottomline answer is no.

Senator EAGLETON. There are cities that have successfully executed a master lease to a nontenant. Pittsburgh, I believe, is one where the city decided that as a governmental entity it just didn't want to do the day-to-day operations of a stadium, so they leased it out to a stadium operator who was not a tenant and they let that stadium operator run it.

You don't want to here and now foreclose that eventuality down the line if that appeared to be a prudent way of doing day-to-day business; do you?

Mayor BARRY. Senator Eagleton, I can't speak to what a successor governing body would decide. I think you would have to evaluate that proposition and the economics of it to see whether or not it made economic sense for a private entity to operate the stadium for the city.

I get the impression, though, in thinking about the operations of the D.C. government that we, ourselves, through a board operate the Convention Center. They have been very successful. But I would not want to say that you ought to foreclose any private operator from operating the stadium if it made economic sense. But I don't think that that is the general philosophy of those of us who are sitting at this table now.

Senator EAGLETON. Then there is another difference of a lease to tenants who own both baseball and football and, hence, by the same common ownership do not have the inherent conflicts that can arise when there is separate ownership.

So, what I am getting at is this. First of all, if any lease, any master lease were ever considered by the armory board to and outside individual irrespective of what that individual owned in the sporting field, would you object if that lease were to be approved by the city council?

Mayor BARRY. The answer is that I wouldn't object.

Senator EAGLETON. I take it, Mr. Clarke, as head of the Council that you wouldn't mind having that kind of overview.

Mr. CLARKE. We might seek to have it in any case, Senator. We try to watch spending in a number of ways by the executive branch, but certainly an item of that magnitude would become a line item in our budge in any case. We would watch it very carefully.

I might say on the philosophy of it that the very same principles which motivate us to say to you now, "Let us have control of the stadium so that we can enter into business dealings, negotiations with the owners of baseball about expanding the league to include a District of Columbia franchise" would also say that we should be

in the position to manage the stadium and to negotiate the various contracts for its usage through an appropriate governing facility.

Mr. SMITH. Senator Eagleton, let me add a little bit to that.

As the chairman of the Baseball Commission and also as a council member, I have been responsible for coordinating an awful lot of this.

First of all, I urged the Mayor to submit to the council and the council passed a bond issue for $13.7 million to put money in place by the end of this year, end of this calendar year with the hope and expectation that baseball would meet in December and make a decision. We wanted the money in place in time so that we could start repairs so that we could get ready for baseball in 1987. It was the only way we had a chance to get ourselves in shape to do that.

But I wanted to add, along that same line, that in making that presentation we were aware that we were precluding one possibility. The people who talked about master leases said, "Give us the master lease, and we will repair the whole stadium and will manage it for you and will put private money at risk." Because we didn't think that was a good idea and because we knew we had to put some money in place to repair it, we chose to set up an agenda which allowed us to do it in time for the summer and for the fall to get ready for 1987.

So, I wanted to put that on the record, too, because I think it is important for you to know that the city government has taken certain steps which all lead in the direction of the city repairing the stadium and retaining the management and ownership of it.

Senator EAGLETON. Very good. Thank you.

Well, I think I will propose an amendment that calls for council ratification if the armory board were to decide to lease it out on a master lease basis to any operator.

Now for my final question.

Mayor BARRY. Senator, could we try to persuade you against that?

Senator EAGLETON. I thought you had no objection.

Mayor BARRY. In terms of the amendment—there are several ways you can get things done. If the bill is amended, it then goes to conference, and the Senate and House, as I understand it, are going out next week——

Senator EAGLETON [continuing]. Perhaps the 13th.

Senator MATHIAS. Perhaps.

Senator EAGLETON. I think the House will take whatever amendment we add to it. I don't think it will be necessary to go to conference.

But go ahead.

Mayor BARRY. Let me suggest that there ought to be some dialog with the leadership to make sure that that wouldn't tie things up.

I think there are several ways that Congress can get its directives carried out. One, it can have strong committee language. It is not binding in law necessarily, but certainly those of us who have any sense know what strong language means in directives and committee reports.

Also, the three of us have agreed philosophically here and would have no problem with that.

But, again, I would suggest that we make sure that the House will not have any problems so that we wouldn't tie this bill up in the sense that it wouldn't get passed very quickly.

Senator EAGLETON. Well, indeed, we will talk with the House.

But I have a second amendment in mind, too. As you pointed out, you won't be Mayor in perpetuity, nor will Mr. Clarke be chairman forever, nor will Mr. Smith be councilman forever. You may go the way of Mathias and Eagleton—voluntarily.

Senator MATHIAS. Upright.

Senator EAGLETON. I think we ought to have an amendment that prohibits leasing, making a master lease to a group or an individual that operates only one professional franchise. I think that is deleterious toward the attraction of an additional professional franchise, whether one is successful in December 1985—and I hope you are—or December 1986 or December 1987.

I would not be opposed to a master franchise to a group that operated two teams simultaneously, a baseball team and a football team. I would be opposed to a lease to a group that operates just a football team. That would create problems with the attraction of a baseball team and the functioning of a baseball team if one were to come here.

I think that should be guarded against. The best way I know to guard against it is to put it in the statute.

What do you think of that, once we have talked it through with the House, et cetera?

Mayor BARRY. Senator, just speaking for myself on this particular point, again, I think that both of these directions, even assuming that the House would concur, really is not quite in the spirit of home rule in the sense that we believe that if the stadium is transferred to the District of Columbia government, whether I am in office or Mr. Clarke is in office or if Mr. Smith is in office, that the public will insist on responsible leadership. This leadership itself would guarantee and guard against things that would not be in the public interest. The Congress has shown its willingness to allow the city to do that.

I recall the debate around the lottery where there was a lot of discussion about a number of amendments as to what the lottery board could or could not do. As I recall, you were supportive of that effort of letting the local government decide the ramifications of that. That had an impact on the State of Maryland, quite frankly, revenuewise. And we have other precedents where you have allowed or supported the idea that the local government would decide.

The latest example, as you may recall, was the St. Elizabeths' situation where the local government would decide what to do with St. Elizabeths by October 1, 1987, with a plan being reviewed with comments from the Congress but not directives from the Congress.

Moreover, as you may recall, we agreed that the city would submit a plan of action to take care of the rest of land at St. Elizabeths.

So, I think we have a history where, even though I might not be in office and don't intend to be in office but for so long, you have allowed us to make those decisions at the local level. This is particularly true here when you have a unanimous agreement be-

tween the executive and the legislature. That is not always the case, quite frankly, between legislators and Governors or Presidents and Congress.

So, I think in general I agree with the concepts. I just think that we ought to be able to make those decisions ourselves, and we will make them ourselves. Moreover, another Congress could amend this law, as any law can be amended, to take that out, even if the Congress did it.

So, I don't think there is a guaranty in perpetuity that either the council or the Congress will always agree. But I think in this instance we are close enough together on this bill that we don't want anything to slow it down.

I don't know how the rest of the Senators feel about this. I know there were no amendments which came out of the Energy and Natural Resources Committee, and there were no amendments which came out of the House, outside of what we have here. I guess it is just a matter of how quickly we can get this done without negating your concerns. I share those serious concerns, but I think they can be worked out another way without impeding the progress of this legislation.

I think the legislation—most D.C. legislation is not high on the agenda of most Congress people because they have more important priorities. You and Senator Mathias have made the District of Columbia a high priorty, but most Senators are busy with a budget and their own committees. I would not like to see this get delayed because we couldn't agree on amendments.

Senator EAGLETON. Thank you, Mr. Chairman.

Senator MATHIAS. Thank you, Senator Eagleton.

The District of Columbia, of course, is the hub. It is the heart of the metropolitan region, and in fact the District of Columbia is the reason the metropolitan region exists and can play an enormously important role in developing a sense of community throughout the metropolitan region. I think that there are, certainly, moments during the year in which a sense of community does exist. There is the Fourth of July when people come from all parts of the region down to the Mall. That is a good example.

I think everyone feels that sense of community. It happens on certain Sundays in the fall when the community comes together at R.F.K. I certainly look forward to having it happen on starlit evenings during the summer if we get a baseball franchise.

But I am wondering, Mr. Dalrymple, if you have any estimate of regional attendance at the stadium. Where do the attendees come from?

Mr. DALRYMPLE. Well, the history shows that the summer concerts that we had with the number of tickets that we put on sale through our new computerized ticket operation from the ticket center that the majority of our attendees are from throughout the whole region of Maryland and Virginia. Over the years the accessibility to tickets has been so spread out that when they are released it is not just one group within, say, the city that can buy them but it is spread throughout the whole region. We have that happening.

The Redskins may be a little different because their season tickets have been purchased for so many years in advance, but other outside events—the Oldtimers Baseball Classic, the concerts that

we run, the tractor pulls, and things of this nature—show that we are a wide diversified area of attendees.

Senator MATHIAS. I notice that the District of Columbia Baseball Commission has recognized the fact that there is value to participation by the surrounding jurisdictions and has included citizens of Maryland and Virginia on the membership of the commission. I am wondering, Mayor Barry, if it would be your intention that kind of multijurisdictional representation would be a permanent part of the stadium operation.

Mayor BARRY. Mr. Chairman, I differentiate between a support committee, which the Baseball Commission is to try to get the region involved, and a governance body that would run the stadium. As I think through the various governmental operations in this area, they usually come together around a governance such as Metro when each has to pay some money into operation.

As I said earlier, Blue Plains is run totally by the District of Columbia government. The proposed airport authority has representation from Maryland, Virginia, and the District, and the Federal Government because each will share in the risk as well as the benefits in terms of any bond issues that may be issued or that may be defaulted.

The Council of Governments is a voluntary organization of 16 jurisdictions that come into association with each other, but I can't think of any entities that are in Maryland—and the District certainly supports baseball in Baltimore, for instance, and supports the University of Maryland in its football and supports Virginia athletics. But I can't think of any entity where the governance of the entity is regional when the other parts of the region don't participate financially in terms of putting money into the operation of the entity itself.

I recognize that fans who pay money to come to the stadium certainly are contributing to the well-being of it, but in those couple of years when the stadium was losing money and could not pay the revenue bonds, it was the District of Columbia government that paid the interest and paid the bonds. In those instances after the bonds had been paid off and the stadium was in the red, the stadium just didn't pay its creditors until it had the money to pay it. So, the region has not participated financially, so from a governance point of view and in the spirit of home rule, there ought not to be a regional authority to govern the stadium. Even though the baseball commission is a support group, it is not a governance operation.

Senator MATHIAS. I am not really thinking of a regional authority as a kind of promotional interest and some sounding board.

Mayor BARRY. Oh, absolutely. I was speaking to the governance part because I thought that was the issue.

Senator MATHIAS. I was really thinking that if you have had 14 events in the last year, that certainly leaves room for a lot more activity there. Encouragement throughout the metropolitan region of activities that might be held at the stadium might be good business.

Mayor BARRY. Well, we would do that, except that the stadium is basically—and Mr. Dalrymple can speak to that because he has been in this stadium business for 20-some years—conducive to just

so many kinds of events. It is a 55,000-seat stadium. It is outdoors, uncovered.

But maybe Mr. Dalrymple can speak to that.

The region has a number of facilities that are used for sports and other activities.

On the other hand, the armory is coming to be very much used for events.

Our D.C. Convention Center is being used increasingly not only nationally but by the region. A significant number of events at the convention center are from the region, and we promote regionalism. The Baltimore-Washington Economic Development Corridor Group has promoted economic development and use in the region, but the specifics about why the stadium is not as condusive for regional use—maybe Mr. Dalrymple can just take a minute to say something about that.

Mr. DALRYMPLE. Yes, you take the stadium. You have 55,000 seats. Just to staff and secure an area, plus bringing in all of your support services, is very very difficult for a promoter to come into the area and promote an event with a small crowd in attendance and be able to afford this.

For this year we do have 14 events. Next year we already have more events on the books, but we are actively seeking to bring more large events into the area. When we say the stadium is used 14 times during the season, we have farmers' markets that go on in our parking lots every Tuesday, Thursday, Saturday. We have two large carnivals that we bring into the community for 10-day periods. We have numerous other smaller events that we run in our parking facilities.

Senator MATHIAS. I understood what you meant by full stadium usage.

Mr. DALRYMPLE. That is 14 days.

But basically it is the cost factor and the ability to fill 55,000 seats and make it financially feasible to operate.

Mr. CLARKE. The reason we want the stadium is, one, its ours but, two, we want to make good use of it. If we are going to make good use of it, we are going to have to make good business use of it. And good business use of it is going to be to use it to appeal to 2.5 million, and not to 650,000 people. Certainly we fill it every time there is a Redskin game. We hope to fill it or darn near fill it every time there is a baseball game. But we are not going to be able to do that if we only appeal to the District of Columbia citizen to come to it. In the promotion and in the sales and everything that goes on in the business development of that stadium, we are going to have to, if we are going to succeed, appeal to the entire region.

Mr. SMITH. I might just add, Senator Mathias, that the $13.7 million upgrading that we propose would enhance the appearance of it and make it a much more convenient place with people movers and escalators and a first-class restaurant so that this would make it amenable not only to those who are currently attracted but also to other people who might seek to use it in the future.

I might just add also that a baseball team would bring an additional 81 games, so that would be an additional 81 events right there that would make it a much more useful and a much more financially feasible stadium.

Senator MATHIAS. What was the original cost of the stadium?

Mayor BARRY. $19.8 million.

Senator MATHIAS. That was covered by the issuance of bonds?

Mr. SMITH. Right.

Senator MATHIAS. Of which roughly half was absorbed by the Federal Government and half by the District, as far as the principal is concerned?

Mayor BARRY. Well, that is an unanswered question. We were trying to do some research on it. The entire amount came out of——

Senator MATHIAS [continuing]. Well, I am glad to know that I am not the only one that is cloudy on that subject.

Mayor BARRY. The entire amount came out of the D.C. government's budget. The task force recommended the half and half, but, as you know, our Federal payment is not segregated out—differentiating between the Federal payment and the local taxpayers' money. So, it was in our total budget. It was not money above our regular Federal payment. It was not in addition to what we asked for in our budget as we have gotten for the last 2 years with your support. And Senator Specter's educational initiative, that has been above and beyond our Federal payment authorization and appropriation. It has been other moneys above and beyond what we asked for.

In this instance in 1978 and 1979 it was in our D.C. budget. I guess technically it all came out of the D.C. government, but I guess one could argue that half of it could have been the Federal payment——

Senator MATHIAS [continuing]. Depending on where you allocate those funds.

Mayor BARRY. Yes. We don't allocate it specifically. It is just part of our general fund. So, I would say technically the D.C. government paid the entire $19.8 million.

Mr. SMITH. In any event, Senator Mathias, I can tell you—and I am sure Mr. Dalrymple can speak to this better than I can—that it is in a state of disrepair right now where it needs a great deal of renovation. Whether we substantially renovate it for baseball or whether we forego that because we don't get a team and allow Mr. Cooke to continue to stay there for football, in the near future somebody is going to have to put a lot of money in there to repair it. It is in pretty bad shape now. Either the Federal Government or the District government or a private person is going to have to spend a lot of money fixing it up.

Senator MATHIAS. Is there any understanding with potential baseball owners as to what would be expected by them? You must have a pretty good idea if you have estimated the $13 million.

Mr. SMITH. The armory board and Mr. Dalrymple's staff have worked on the repair figures. That is where we get those from. We asked the armory board to give us some figures on what it would cost to get the stadium in a ready state to play baseball. That is where those figures come from.

We haven't had any discussions with an ownership group yet because we don't know who the ownership group is going to be. We can't negotiate with any of them until the major league owners decide who that is going to be.

Mr. CLARKE. Senator, on that point I was in Houston with the chairman pro temp about this time last year to discuss this issue with the owners and their representatives. The only indication that was given then was that they really wanted somebody clear to deal with, somebody who had the authority to negotiate across the table with them as to the stadium and related issues. There was some consternation expressed at the difficult experiences they had had with the Federal-local experience during the last time that the Washington Senators were in Washington. Of course, that was pre-home rule.

But there still is an image amongst the owners, to be frank, that the complexity of decisionmaking when the issue involves both the Federal Government and the local government is sufficiently great that it has a deterrent quality.

Senator MATHIAS. There was an article in the Post a month or so ago which seemed to indicate that the baseball owners had an expressed preference for private ownership of the stadium. Is that a correct reading of that article?

Mr. SMITH. I saw that too, Senator. I think in a dream world, if they had their own way, they would have the stadium owned by some individual who had it and operated it and maybe even owned the ball club too.

If you look at the stadiums, however, around the country, there are very few of them that are open-air stadiums like ours that are privately owned because of the difficulties Mr. Dalrymple has already discussed and that is that you cannot run events in there year round because it gets cold in the winter or when it rains and things like that. So, very few of them are privately owned.

In most cases the ones that are open-air like ours are owned by the public as ours is.

I don't think there is any problem with the fact that our stadium is publicly owned. I think the difficulty is the one that Mr. Clarke talked about earlier, that is, in the old days the Senators, because of the nature of the armory board and the fact that it was Federal and related to the Department of the Interior and the local government didn't have any control over it and things like that. They didn't really have a clear notion that they were negotiating with an entity that they could deal with.

Senator MATHIAS. So, that is not, in your mind, an absolute requirement?

Mr. SMITH. Absolutely not, Senator. I tried to make it clear earlier that, as the chairman of the Baseball Commission and as a council member, I have been responsible for pulling a lot of the strategy together on this. It was my recommendation to put up the $13.7 million out of public funds because I didn't want us to get ourselves in a situation where we precluded the possibility of being able to do it out of public money and left ourselves only to private enterprises.

Senator MATHIAS. Thank you very much, Mr. Smith. Thank you Mayor Barry and Mr. Clarke and Mr. Dalrymple.

I think that gives us a better idea of exactly what is involved here. It has been a very useful review. As the Mayor says, "As time goes by these issues become complicated simply because they get crowded with a lot of other things."

It has been useful to go back over this experience and revisit it.

Mayor BARRY. Mr. Chairman, we appreciate your having this hearing, and we appreciate the opportunity to come and to personally clarify and to state the city's position.

Let me also indicate, Mr. Chairman, that there are instances where the executive branch of any government has disagreements with the legislative. That is the nature of checks and balances, which I support, but, as you can see in this instance, both the executive branch of the D.C. government and the legislative branch are fully united and share the same philosophy and same direction.

You have been the Chair of our committee for a number of years. You have been the ranking minority member for a number of other years. You have probably seen some differences from time to time, as there ought to be.

But here we are united in our efforts to get the stadium transferred and to manage it in a responsible way.

Mr. CLARKE. Mr. Chairman, I also want to join the Mayor in thanking you for the kind attention you have given this issue.

I have asked staff to do some checking on the other side, and we still are concerned that this bill move as expeditiously as possible and that, if at all possible, it could go through the Senate in an unamended fashion.

Recognizing the concerns which Senator Eagleton has raised and also recognizing the amendment to the charter which you approved allowing the council to conduct the kinds of reviews that he talked about, I am prepared to immediately introduce in the city council legislation, such as the Senator indicated that he might like to see as amendments here at the congressional level, and expeditiously move those through the city council if that approach would enable any more expeditious movement here in the Senate.

We hope to be in contact with your office and his office as to whether that is inviting to you.

Senator MATHIAS. Well, I think that is very interesting as a suggestion on your part. Although Senator Eagleton has had to leave, staff that is still present will advise Senator Eagleton of that.

Thank you very much.

Our last witness is Mr. David Grinnell, chairman of the Committee of 100 on the Federal City. Mr. Grinnel will be accompanied by Mr. James G. Deane and Mr. John Nolen, Jr.

Mr. Grinnell, we are happy to have you with us today.

TISTIMONY OF DAVID GRINNELL, CHAIRMAN, COMMITTEE OF 100 ON THE FEDERAL CITY, ACCOMPANIED BY JAMES G. DEANE AND JOHN NOLEN, JR.

Mr. GRINNELL. Senator Mathias, thank you for this opportunity to appear before your committee. My name is David Grinnell. My address is 2603 36th Place, Northwest, Washington, DC. I have been a resident of the District of Columbia since 1952. During those years I have been an active civic and political participant working at the grassroots level. I have served on my civic association, precinct organization, and I have been elected as an advisory neighborhood commissioner for my ANC.

I list these credentials because they are what I bring to the chairmanship of the Committee of 100 on the Federal City.

You have before you a brief history of our organization so I won't elaborate on it at this time.

There are those who try to portray organizations like the Committee of 100 as nay sayers, but I would not be chairman of that organization if I did not believe that we are aye sayers when it comes to the protection and preservation of the District of Columbia as a most beautiful and unique capital. When that status is endangered, we speak out. While we may not prevail in all situations, we have an admirable record as spokesmen for a planned, preserved, and admired Nation's capital.

I would like to introduce Mr. James Deane, trustee and chairman of our Parks and Conservation Committee. He will give you an overview of our position on the status of the stadium issue, and Mr. Jack Nolen who is available to supply details on the proposal.

Thank you.

Mr. DEANE. Mr. Chairman, I appreciate the opportunity to be here. My name is James G. Deane. Besides my affiliation with the Committee of 100, which goes back to 1963, I am also editor of a national publication in the conservation field and have been active for many years in national environmental and conservation matters.

I believe that——

Senator MATHIAS [continuing]. Would you care to name your publication?

Mr. DEANE. Thank you, sir. The publication is called Defenders magazine. It is published by Defenders of Wildlife. I was previously with the Wilderness Society for 12 years and with the National Parks Association for a year or so.

Our concern in the Committee of 100 with the development of the National Capital goes back to 1923 when the Committee of 100 was established under the leadership of Frederic Delano, the uncle of Franklin Roosevelt, in order to promote sound planning, physical planning for the National Capital and, more specifically, to promote the creation of a suitable park system for the National Capital.

The Committee of 100 was instrumental in bringing about the establishment of the National Capital Park Commission in 1924 and its elaboration into the National Capital Park and Planning Commission in 1926 and has been intimately involved with planning and park matters in Washington and in the Washington metropolitan area ever since that time.

The basic principle that the committee stands for is that the parks, as a very fundamental element of the beauty and quality of the National Capital, should be protected, preserved against encroachment. The parks are, of course, one of the principal reasons that Washington has become admired all over the world as one of the world's most beautiful cities. They also provide a very vital recreational resource to all the people of the Washington region and many, many millions of visitors who come here.

The national monuments, Rock Creek Park, Glover Archbold Park, and others that have been created over the years make Washington in many ways quite unique.

The preservation of parks is a difficult responsibility. We are concerned basically that the integrity of the park system be preserved. Three years ago when the transfer of the stadium to the District was brought before Congress, we expressed ourselves as being concerned that the park land on the Anacostia River, which is one of the major parks of Washington, was threatened by this proposed transfer. We felt that there was no assurance that the stadium would remain there forever and that if the stadium were to disappear, there was no assurance as to what future use might be made of the land if the District of Columbia were given title to it.

The bill, as has been passed by the House, to be sure includes now a reverter provision which attempts to give assurance that a park-like use would continue on that land if at some point the stadium were to come down.

Nevertheless, the proposal that is in this legislation to transfer not only the stadium structure but also the land—and I believe that amounts to about 170 acres—from the national park system to the District of Columbia represents, I think, a serious matter for the consideration of the Congress. A question was raised by Senator Wallop that is referred to in some of the documentation here as to whether a no-cost transfer of Federal land to a local government—or to anyone else for that matter—is an appropriate thing for Congress to approve. I think that question has not really been sufficiently explored, and I would suggest that the committee might wish to look into that. It seems to me that the Federal interest is very paramount in the future of Anacostia Park, as it is in the rest of the park system here, and that the alienation of 170 acres—or whatever the exact figure is—certainly raises the question of whether that is an appropriate action.

We believe that it is not. We believe that the stadium building could continue to operate with the park land retained in the jurisdiction of the Department of the Interior. I would urge that the committee consider that as a possible alternative way of approaching what the District of Columbia government has requested.

We believe that it is too difficult to preserve park lands in this day and age with all kinds of developmental proposals, public as well as private, to take the risk of setting another precedent for further depletion of this part of the park system of the National Capital, and, of course, it is a part of the National Park System, as well.

I believe that the future recreational importance of that section of the city, the residents of Washington who live there, as well as the park system in general, also should be taken into consideration.

Anacostia Park has already suffered severe depletion from the construction of the Anacostia Freeway. There is now pending a proposal to take some 30 acres and devote it to another highway on the west side of the park. This will further reduce the park quality and availability for recreational purposes. This is a trend that is occurring, and we wish to encourage Congress to try to prevent this trend from proceeding.

Mr. Nolen, who is former director of the National Capital Planning Commission and who has an intimate knowledge of the plan-

ning aspects of this, can speak to that much more pertinently than I can, but I just want to add that the Committee of 100 has been greatly concerned about overall comprehensive planning considerations for the metropolitan region for many, many years. That is the other side of our concern about what happens with the stadium.

I think Mr. Nolen can address that.

Thank you very much.

Senator MATHIAS. Mr. Nolen?

Mr. NOLEN. Mr. Chairman, I have here before me the approved plan, dated 1957, which was used as the basis for the 1957 Stadium Act. I have outlined on that plan the area that would be transferred to the District under this proposed legislation.

You can see immediately that the transfer envelopes the whole of the area that was visualized for a national sports center in 1957 and that the location then proposed for the stadium is not where it is now. The proposed location had been partially acquired by the N.C.P.C. in furtherance of that plan and since then more of the remaining land has been added.

The present stadium is located here in the middle of the great sports field and amphitheater which was planned like many of the European sports centers of the era 30 or 40 years ago.

The Committee of 100's objection to this transfer is not only the loss of the park land for other use besides that related to or associated with the stadium, but taking it out as a unit of the park system which is under a very competent and single management—the National Parks Service—but also the danger of adding to the investment in the present stadium at a site which is ill-adapted to multiple use of this large 136 acres.

I should remind you that the Stadium Act of 1957 actually proposed to have the stadium on the site north of the plaza, and this was in accordance with a plan approved by the Planning Commission, following a report which was accepted by Senator Case's National Memorial Stadium Commission.

How the stadium got located where it is now, contrary to the provision of the 1957 act, is not clear. I have been unable to find any legislative sanctions for that change. But it points up the need for having a comprehensive plan that is recognized and fulfilled in making decisions such as that which is before the committee now.

I think that is about all I need to say.

Senator MATHIAS. Well, I appreciate your statement. That is a very interesting review of what had originally been contemplated. I must say, as I look at a copy of that original proposed map, it is a matter of some regret that the sports field bordering on the lake was not developed. But that, unfortunately, is I suppose an irretrievable act of history that we can't change.

But what is important is the point that Mr. Deane has raised about the protection of the land as park land.

I have before me a copy of the bill as passed by the House. In it, there is a reverter clause that prevents the transfer of the stadium by the District of Columbia to "any person or entity other than the United States."

The property will only be used for stadium purposes or recreational facilities or public outdoor recreational opportunities.

"Such other public purposes for which the property was used prior to June 1, 1985, and such other public purposes for which the property was approved for use by the Secretary with the concurrence of the National Capital Planning Commission prior to June 1, 1985."

Then, of course, there is the provision that any property which reverts to the Secretary under this subsection shall be administered as part of the Park System of the Nation's Capital.

So, the reverter does provide a substantial degree of assurance as to the maintenance of that property as park property in one form or another.

However, the caution that you have urged upon us, I think is well taken, and we will consider that very carefully.

Mr. NOLEN. May I speak to the point that you made about the irretrievable decisions that have been made on the stadium?

The stadium was constructed according to the standards of some 25 or 30 years ago. Those have changed considerably throughout the country in other stadia that have been constructed.

In this case here you have a stadium, as Mayor Barry indicated, that is in bad shape. Should not some consideration be given to locating and looking forward to the time when you can justify a stadium at the much larger, more adequate site north of the plaza and retiring the present site in order that the larger plan of the sports center could ultimately be carried out?

I am thinking of a progressive change from what the situation is now rather than freezing the present situation by pouring more money into a stadium that is——

Senator MATHIAS [continuing]. You raise the question of the state of obsolesence of the present stadium.

Mr. NOLEN. That is right.

Senator MATHIAS. Well, that is a new element here that I think we will have to take a careful look at.

Mr. NOLEN. I might add that the land for this other location, original location was authorized for use in the 1957 act and is more than three-quarters in public ownership. It fits into the other elements of the plan that I didn't mention but which I would like just to touch on; namely, a connection with the Baltimore Parkway that would come down the west bank of the river and into an extension of Constitution Avenue at C Street, Northeast, as shown on this plan, providing access from Maryland to the stadium and to events in the stadium and into the sports center, which I can't overemphasize as being the larger objective of the planning that went on before the present dilemma arose.

Senator MATHIAS. Well, as one who has to use the Baltimore-Washington Parkway frequently and who has to reach the capital by that route, I wish that original plan had been executed. So, I will have all the greater sympathy for that proposal.

Mr. NOLEN. I would like to show you the details of it on this plan, which we would be glad to leave with you, if you wish.

Senator MATHIAS. Thank you very much. We appreciate it.

That will conclude our hearing this afternoon. The subcommittee will stand in recess subject to the call of the Chair.

Let me do one further thing which is to submit for the record a statement of Mr. Cornelius W. Heine which was presented by him to this committee.

[Whereupon, at 5:10 p.m., the subcommittee stood in recess subject to the call of the Chair.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF HON. MARION BARRY, JR.

MR. CHAIRMAN, AND MEMBERS OF THE SUBCOMMITTEE, I APPRECIATE THIS OPPORTUNITY TO PRESENT TESTIMONY ON H.R. 2776, A BILL TO TRANSFER TITLE TO ROBERT F. KENNEDY MEMORIAL STADIUM FROM THE SECRETARY OF THE INTERIOR TO THE DISTRICT OF COLUMBIA GOVERNMENT. THE DISTRICT HAS SOUGHT THIS LEGISLATION SINCE THE 97TH CONGRESS.

CONSTRUCTION OF RFK STADIUM WAS AUTHORIZED BY THE DISTRICT OF COLUMBIA STADIUM ACT OF 1957. IN 1960, THE D.C. ARMORY BOARD ISSUED 20-YEAR REVENUE BONDS AT AN ANNUAL INTEREST RATE OF 4.2 PERCENT, WHICH WERE TP BE PAID ON DECEMBER 1, 1979.

THE STADIUM'S PLANS PREDICTED THAT REVENUES WOULD BE SUFFICIENT TO COVER THE OPERATING AND MAINTENANCE COSTS. THE STADIUM ACT PROVIDED FOR THE DISTRICT GOVERNMENT TO ADVANCE FUNDS IF THE PRINCIPAL AND INTEREST PAYMENTS COULD NOT BE MET DUE TO INSUFFICIENT REVENUE, AND THE DISTRICT WOULD BE REIMBURSED FOR ANY OF THE ADVANCED AMOUNTS.

THE STADIUM'S REVENUE WAS NEVER ENOUGH TO MEET THE ANNUAL INTEREST PAYMENTS OR TO REDEEM THE BONDS. THE DISTRICT, THROUGH ITS ANNUAL BUDGET, BECAME THE MAIN SOURCE FOR INTEREST PAYMENTS TOTALING APPROXIMATELY $12.8 MILLION, AND NOTHING WAS PAID ON THE PRINCIPAL UNTIL FISCAL YEAR 1978.

THE PRESIDENTIAL TASK FORCE ON THE DISTRICT OF COLUMBIA ADDRESSED THE ISSUE OF REPAYMENT OF THE RFK STADIUM BONDS DURING ITS DELIBERATIONS IN THE SPRING OF 1977. THE TASK FORCE INCLUDED MEMBERS OF CONGRESS, CITY AND FEDERAL REPRESENTATIVES AND WAS CHAIRED BY THE VICE PRESIDENT. AN UNDERSTANDING WAS REACHED BY THE PARTICIPANTS WHICH PROVIDED FOR A THREE-POINT PLAN REGARDING THE STADIUM. FIRST, THE $19.8 MILLION PRINCIPAL WOULD BE JOINTLY FUNDED BY THE DISTRICT AND FEDERAL GOVERNMENTS. SECOND, THE DISTRICT WOULD ABSORB THE $12.8 MILLION ADVANCED FOR INTEREST PAYMENTS ON THE BONDS. FINALLY, TITLE TO THE STADIUM AND ASSOCIATED LAND AREAS WOULD BE TRANSFERRED TO THE DISTRICT UPON REDEMPTION OF THE BONDS.

ALTHOUGH THE STADIUM WAS NOT INTENDED TO BE THE DISTRICT'S FINANCIAL RESPONSIBILITY, THE CITY AGREED TO THE TASK FORCE PLAN IN ORDER TO INSURE REDEMPTION OF THE BONDS. A TOTAL OF $19.8 MILLION WAS APPROPRIATED IN THE DISTRICT OF COLUMBIA APPROPRIATIONS ACTS FOR FISCAL YEARS 1978 AND 1979, AND ALL BONDS WERE REDEEMED AS ORIGINALLY PROMISED FOR ON DECEMBER 1, 1979.

MR. CHAIRMAN, H.R. 2776 IS THE RESULT OF A COOPERATIVE EFFORT BETWEEN THE NATIONAL PARK SERVICE, NATIONAL CAPITAL REGION, AND THE DISTRICT OF COLUMBIA GOVERNMENT. THE BILL HAS BEEN ENDORSED BY THE SECRETARY OF THE INTERIOR.

H.R. 2776 WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON JUNE 24, 1985. IN THE SENATE, IT HAS BEEN FAVORABLY REPORTED, WITHOUT AMENDMENT, BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES.

MR. CHAIRMAN, H.R. 2776 REFLECTS THE VIEW THAT THE LOCAL GOVERNMENT SHOULD OWN AND CONTROL PURELY LOCAL FACILITIES WITHIN ITS JURISDICTION. I STRONGLY URGE THE SUBCOMMITTEE TO FAVORABLY REPORT THE BILL, WITHOUT AMENDMENT.

THANK YOU.

STATEMENT OF DAVID A. CLARKE

CHAIRMAN

COUNCIL OF THE DISTRICT OF COLUMBIA

REGARDING H.R. 2776

DECEMBER 5, 1985

SENATOR MATHIAS, AND MEMBERS OF THE SUBCOMMITTEE ON "GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA", AS CHAIRMAN OF THE COUNCIL OF THE DISTRICT OF COLUMBIA, I AM SUBMITTING THIS STATEMENT IN SUPPORT OF H.R. 2776 WHICH TRANSFERS TITLE OF THE ROBERT F. KENNEDY STADIUM FROM THE UNITED STATES GOVERNMENT TO THE GOVERNMENT OF THE DISTRICT OF COLUMBIA. MY STATEMENT INCLUDES SUPPORT FOR THE MODIFICATION OF THE "MAP TO DESIGNATE TRANSFER OF STADIUM AND PARKING LOTS TO THE DISTRICT" WHICH WAS RESULTED FROM NEGOTIATIONS BETWEEN THE DISTRICT OF COLUMBIA DEPARTMENT OF PUBLIC WORKS AND THE NATIONAL PARK SERVICE AND WHICH IS CONTAINED IN SECTION 2 OF THE BILL.

THE ROBERT F. KENNEDY STADIUM WAS CONSTRUCTED IN 1961 PURSUANT TO THE DISTRICT OF COLUMBIA STADIUM ACT OF 1957 (P. L. 85-300). THE ACT PROVIDED FOR THE STADIUM CONSTRUCTION TO BE FINANCED BY REVENUE BONDS ISSUED BY THE ARMORY BOARD. $19.8 MILLION IN REVENUES BONDS WERE ISSUED BY THE ARMORY BOARD AT AN INTEREST RATE OF 4.2 PERCENT TO FINANCE THE STADIUM CONSTRUCTION.

IT WAS PLANNED THAT THE REVENUE FROM RENTING THE STADIUM WOULD GENERATE ENOUGH RESOURCES TO PAY THE INTEREST AND PRINCIPAL ON THE BONDS WHICH WERE

DUE AND PAYABLE ON DECEMBER 1, 1979. HOWEVER, THE STADIUM RECEIPTS WERE INSUFFICIENT TO COVER THE PRINCIPAL AND INTEREST ON THE BONDS AND THE DISTRICT ENDED UP PAYING MILLIONS OF DOLLARS IN INTEREST PAYMENTS AND PRINCIPAL TO RETIRE THE BONDS.

THE DISTRICT'S ASSUMPTION OF THE STADIUM DEBT WAS AN OUTGROWTH OF A 1977 PRESIDENTIAL TASK FORCE ON THE DISTRICT OF COLUMBIA WHOSE RECOMMENDATIONS INCLUDED A WAY TO RESOLVE THE STADIUM FINANCING ISSUE. THE TASK FORCE RECOMMENDED THAT THE DISTRICT AND FEDERAL GOVERNMENT WOULD SHARE THE RESPONSIBILITY FOR FUNDING THE $19.9 MILLION PRINCIPAL ON THE STADIUM BONDS -- APPROXIMATELY $9.9 MILLION EACH -- AND THE DISTRICT WOULD ABSORB THE NEARLY $12.8 MILLION IT HAD PAID FOR INTEREST ON THE BONDS. IN THE DISTRICT OF COLUMBIA'S APPROPRIATIONS BILL FOR FISCAL YEARS 1978 AND 1979 THE U.S. CONGRESS TOOK ACTION ON THE RECOMMENDATION BY RETIRING THE STADIUM'S OUTSTANDING BONDS IN ACCORDANCE WITH THE RECOMMENDATIONS OF THE TASK FORCE. THE TOTAL OF $22.7 MILLION IN PAYMENTS BY THE DISTRICT REPRESENTS ROUGHLY TWO-THIRDS OF THE $36.2 MILLION TOTAL COST OF THE STADIUM.

THE TASK FORCE ALSO RECOMMENDED THAT TITLE TO THE STADIUM WOULD BE TRANSFERRED TO THE DISTRICT OF COLUMBIA GOVERNMENT. TODAY TITLE TO THE STADIUM IS HELD -- FREE AND CLEAR -- BY THE UNITED STATES GOVERNMENT, AND THE TRANSFER OF THE TITLE TO THE DISTRICT OF COLUMBIA GOVERNMENT WOULD ESSENTIALLY FULFILL THE RECOMMENDATIONS OF THE PRESIDENTIAL TASK FORCE.

MOREOVER, THE MATTER OF OWNERSHIP AND OPERATION OF THE STADIUM IS MOST PROPERLY A LOCAL ISSUE, IN AS MUCH AS THERE IS NO FEDERAL INTEREST QUESTION INVOLVED. THIS POSITION WAS SUPPORTED BY THE DEPARTMENT OF THE INTERIOR IN ITS OCTOBER CORRESPONDENCE TO SENATOR MALCOLM WALLOP, CHAIRMAN OF THE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION (OF THE ENERGY AND NATURAL RESOURCES COMMITTEE). IN RESPONDING TO QUESTIONS FROM

SENATOR WALLOP REGARDING H.R. 2776, THE DEPARTMENT STATED THAT "SINCE THE [STADIUM] FACILITY WAS ALWAYS INTENDED FOR LOCAL USE AND SINCE IT HAS BEEN MANAGED LOCALLY AND PAID FOR WITH LOCAL FUNDS, IT SHOULD BE OWNED BY THE LOCAL GOVERNMENT". (A COPY OF THE INTERIOR DEPARTMENT'S OCTOBER CORRESPONDENCE IS ATTACHED.).

IN ADDITION, I JOIN WITH SENATOR WARNER, THE SENATE SPONSOR OF STADIUM TRANSFER LEGISLATION, IN RECOGNIZING THE IMPORTANCE OF THE STADIUM TRANSFER IN THE DISTRICT'S QUEST FOR A BASEBALL FRANCHISE. INDEED, STADIUM OWNERSHIP AND CONTROL ARE KEY ELEMENTS OF THE DISTRICT OF COLUMBIA BASEBALL COMMISSION'S QUEST TO RETURN BASEBALL TO OUR COMMUNITY. UPON TRANSFER OF THE STADIUM, THE COMMISSION, WHOSE MEMBERSHIP AND SUPPORT IS METROPOLITAN-WIDE, AND PROSPECTIVE LOCAL BASEBALL TEAM OWNERS AS WELL, WILL BE IN A GREATLY ENHANCED NEGOTIATING POSITION WITH THE BASEBALL OWNERS ASSOCIATION WHEN THE ASSOCIATION NEXT ACTS UPON THE QUESTION OF FRANCHISE RELOCATION OR EXPANSION.

IN THE INTEREST OF BRINGING BASEBALL BACK TO THE NATION'S CAPITOL, AND FOR THE FINANCIAL HISTORY, HOME RULE AND OTHER REASONS OUTLINED IN MY STATEMENT, I URGE THE SUBCOMMITTEE TO GIVE ITS SUPPORT TO THE LEGISLATION REPORTED BY THE ENERGY AND NATURAL RESOURCES COMMITTEE ON NOVEMBER 6. IN THE ABSENCE OF ANY FEDERAL INTEREST AND THE INTERIOR DEPARTMENT'S CONCURRENCE THAT THE NEW STADIUM IS A LOCAL FACILITY, I REQUEST THAT THE SUBCOMMITTEE SUPPORT THE BILL WITHOUT AMENDMENT IN ORDER TO ASSURE ITS PASSAGE DURING THIS SESSION OF CONGRESS.

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

OCT 29 1985

Honorable Malcolm Wallop
Chairman, Subcommittee on Public Lands, Reserved Water
and Resource Conservation
Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Senator Wallop:

Thank you for your letter to Director Mott of October 10, 1985, enclosing questions concerning S. 1596, and H.R. 2776, a bill to amend the District of Columbia Stadium Act of 1957 to direct the Secretary of the Interior to convey title to the Robert F. Kennedy Memorial Stadium to the District of Columbia. We are enclosing the answers to these questions.

Sincerely,

J. Stephan Britt
Legislative Counsel

Enclosure

RESPONSES TO QUESTIONS PROVIDED BY SENATE SUBCOMMITTEE ON PUBLIC LANDS, RESERVED WATER AND RESOURCE CONSERVATION PERTAINING TO S. 1596, CONVEYANCE OF THE ROBERT F. KENNEDY MEMORIAL STADIUM TO THE DISTRICT OF COLUMBIA.

1. How much Federal money has been spent on the Stadium and its operation and maintenance since 1957? Have any Federal funds been used to pay off the bonds?

Answer

No Federal funds were expended for the construction of the stadium structure; however, P.L. 85-300, as amended, provided for Federal construction of access roads, parking facilities, lighting, and landscaping. $2,868,000 were expended on these facilities between 1960 and 1970. The D.C. Armory Board paid $3.6 million towards the bonds and interest. In 1978 and 1979, $19.8 million were included in the D.C. Appropriation Acts. This completed the payments required under the Stadium Act.

2. What differentiates this case from other no-cost conveyances of Federal real property which the Administration generally opposes?

Answer

Unlike other Federally administered properties throughout the country, this one is legislatively mandated to accomodate a local function. The Act of 1957 (P.L. 85-300) authorized the stadium "in order to provide the people of the District of Columbia with a stadium suitable for holding athletic events and other activities and events of a nature requiring such a facility." Although Federal funds have been used for construction of related facilities, the stadium is strictly a local one. This property is not "surplus" in the sense that it once had a Federal purpose that no longer exists. Since the facility was always intended for local use and since it has been managed locally and paid for with local funds, it should be owned by the local government. At present the Park Service has ongoing maintenance responsibilities for certain portions of the facility. This transfer would actually reduce Federal costs by relieving the Park Service of the responsibilities. In turn local costs would increase. Thus the transfer would not be a "no-cost conveyance." Further, the legislation provides for a reverter to the United States of the land in the event that it is not used for recreational and open space purposes. The bill also provides that the National Park Service retain the shoreline of the Anacostia River (Area F on the map) to insure that the Federal interest in protecting the river in the Nation's Capitol is continued.

3. If the legislation is enacted, will the Department of the Interior continue to provide U.S. Park Police protection and some maintenance for the park areas on a reimbursable basis?

Answer

The bill does not provide for any continuing relationship once the stadium and the areas A through E are transferred. However, the National Park Service would be willing to discuss the issue if the D.C. Government desires that we provide services on a reimbursable basis.

COUNCIL OF THE DISTRICT OF COLUMBIA

WASHINGTON, D. C. 20004

STATEMENT OF THE HONORABLE FRANK SMITH

CHAIRMAN

DISTRICT OF COLUMBIA COMMISSION ON BASEBALL

REGARDING H.R. 2776

DECEMBER 5, 1985

MR. CHAIRMAN AND OTHER MEMBERS OF THE SUBCOMMITTEE ON GOVERNMENTAL EFFICIENCY AND THE DISTRICT OF COLUMBIA, I AM SUBMITTING THIS STATEMENT IN SUPPORT OF FAVORABLE ACTION ON H.R. 2776. ON NOVEMBER 7, 1985 THE D.C. COMMISSION ON BASEBALL PRESENTED THE CASE FOR THE WASHINGTON METROPOLITAN AREA IN ITS BID TO OBTAIN A PROFESSIONAL BASEBALL FRANCHISE TO MAJOR LEAGUE COMMISSIONER PETER UEBEROTH AND THE LONG RANGE PLANNING COMMITTEE IN NEW YORK CITY. THE CENTRAL PURPOSE OF THAT BRIEFING WAS TO DEMONSTRATE THIS REGION'S ABILITY AND WILLINGNESS TO SUSTAIN A TEAM. I WOULD LIKE TO SUMMARIZE MANY OF THE HIGHLIGHTS WE SHARED ON THAT DAY REGARDING THE REQUEST OF THE NATION'S CAPITOL FOR AN EXPANSION FRANCHISE.

AS CHAIRMAN OF THE DISTRICT OF COLUMBIA COMMISSION ON BASEBALL, I FIRMLY BELIEVE THAT TRANSFER OF ROBERT F. KENNEDY STADIUM, A LOCAL SPORTS FACILITY AND ENTERTAINMENT CENTER, TO THE DISTRICT IS CRUCIAL TO OUR GOAL OF SECURING A PROFESSIONAL BASEBALL FRANCHISE IN THE NEAR FUTURE. THE FINAL PLANNING STAGES OF MAJOR LEAGUE BASEBALL FOR EXPANSION ARE IMMINENT AND IT IS IN THE BEST

INTEREST OF THE REGIONAL COMMUNITY FOR THE SENATE TO JOIN THE HOUSE OF REPRESENTATIVES IN THE MEASURE THAT WOULD GRANT TITLE TO THE STADIUM IN THE DISTRICT. LOCAL OWNERSHIP OF THE STADIUM IS A PRIME CRITERION TO BE CONSIDERED BY BASEBALL OWNERS IN MAKING A FRANCHISE DECISION. H.R. 2776, IF PASSED, WOULD SUBSTANTIALLY IMPROVE THE ECONOMIC BASE OF THE METROPOLITAN AREA. THE PRESENCE OF A FRANCHISE WILL BOOST TOURISM AND GENERATE OVER $40 MILLION FOR LOCAL HOTELS, RESTAURANTS, AND ALLIED INDUSTRIES. THIS WILL INCREASE THE DISTRICT'S TAX REVENUE BY $2.4 MILLION. AT LEAST 700 NEW JOBS WILL BE CREATED AT THE STADIUM AS WELL AS OTHER EMPLOYMENT OPPORTUNITIES THROUGHOUT THE AREA.

I WANT TO EMPHASIZE THAT THE WASHINGTON OF 1985 IS VASTLY DIFFERENT FROM THE CITY OF 1971, THE YEAR WHEN OUR FORMER BASEBALL TEAM, THE SENATORS, LEFT TOWN FOR TEXAS. THE BUSTLING METROPOLITAN AREA, WITH AN ESTIMATED POPULATION OF 3.4 MILLION PEOPLE, RANKS SEVENTH IN THE NATION. IT COVERS 4,000 SQUARE MILES AND HAS EXPANDED INTO THE COUNTIES OF NORTHERN VIRGINIA AND SUBURBAN MARYLAND, OVER THE PAST 15 YEARS. BETWEEN 1980 AND 1985, THE REGION HAS INCREASED BY 210,000 PEOPLE, A SUBSTANTIAL GAIN WHOSE GROWTH RATE IS HIGHLY COMPETITIVE AMONG THE 12 CITIES WHICH ARE IN THE RACE FOR A MAJOR LEAGUE BASEBALL EXPANSION TEAM.

OTHER NEW IMPROVEMENTS TO OUR REGION INCLUDE THE 103-MILE METRORAIL SYSTEM AND FOUR INTERSTATE HIGHWAYS THAT CONNECT SUBURBAN MARYLAND, NORTHERN VIRGINIA, AND THE DISTRICT TO RFK STADIUM. THIS OFFERS BASEBALL FANS A VARIETY OF SAFE, CONVENIENT, AND RAPID TRANSPORTATION OUTLETS TO THE SPORTS FACILITY. PRESENTLY, THE METRORAIL, WHICH STOPS ONE BLOCK FROM RFK STADIUM, CARRIES AN AVERAGE OF 12,500 PASSENGERS PER GAME TO SEE THE REDSKINS.

SO FAR, 12,500 BASEBALL FANS IN THE REGION HAVE PLACED OVER $6 MILLION IN AREA BANKS TO PURCHASE SEASON TICKETS. AT LEAST TWO AREA BUSINESS GROUPS HAVE BEEN FORMED TO PROVIDE THE MORE THAN $30 MILLION NECESSARY TO PURCHASE AN EXPANSION FRANCHISE. AN ENLIGHTENED DISTRICT OF COLUMBIA GOVERNMENT HAS APPROVED $13.7 MILLION IN BOND FINANCING FOR STADIUM FACILITY IMPROVEMENTS THAT HAVE ALREADY BEEN PRE-PLANNED BY THE AGENCY RESPONSIBLE FOR THE CONTRACTS. THIS WILL PREPARE RFK STADIUM FOR BASEBALL BY THE SPRING OF 1987.

IN CONCLUSION, I SUPPORT H.R. 2776 BECAUSE THE NATION'S CAPITOL NEEDS BASEBALL AND BASEBALL NEEDS THE NATION'S CAPITOL. I APPRECIATE THE OPPORTUNITY TO STATE THE POSITION OF THE D.C. COMMISSION ON BASEBALL ON THIS ISSUE.

PREPARED STATEMENT OF CORNELIUS W. HEINE*
PRESENTED TO
THE SENATE SUBCOMMITTEE ON GOVERNMENTAL
EFFICIENCY AND THE DISTRICT OF COLUMBIA
DECEMBER 5, 1985

Mr. Chairman and Members of the Subcommittee on Governmental Efficiency and The District of Columbia:

I am well aware of the deep interest of the Chairman in history and of a similar interest on the part of Ranking Minority Member, Senator Eagleton and Senator Rudman. From an historical perspective, the objectives of H.R. 2776 do not sufficiently reflect upon the history of the founding of the Federal Seat of Government, nor upon the dedicated purpose of the present Stadium site as an appropriate Grand Entrance to the East Front of the U. S. Capitol Building.

The land on which the Robert F. Kennedy Stadium now rests was proposed on the original L'Enfant Plan of 1791 as the site for the Main Entrance to the City and the Eastern approach to the Front of the Capitol. (Exhibit 1 attached) This Plan, as approved by the President and referred to in his October 3rd message to Congress, was laid before the First Congress on December 13, 1791.

The authentic documents of Title of the Public to the lands set aside for the United States in the L'Enfant Plan and for subsequent appropriations of lands to the United States are two Presidential Proclamations of March 2, 1797 and July 23, 1798. These Proclamations by the First and Second Presidents of the United States acquired Seventeen Original Reservations of land to be the property of the United States "forever." (Exhibit 2 attached) Annexed to the Proclamations was the Dermott Map of 1797, approved by President Washington as

*Historian and Specialist on the Establishment of The Seat of The National Government and the U. S. Capitol.

the Official Plan of the Federal City. These Proclamations set the precedent for the Executive and Legislative Branches of The Federal Government concerning future land acquisition by the United States with respect to the Federal City. An example was the steady growth of the Federal Park System of the National Capital which grew from the original Seventeen Reservations to 301 separate reservations by 1894 (Exhibit 3 attached) and many additional acquisitions in later years.

In 1911, the reclamation of the Potomac Flats was undertaken by the U. S. Corps of Army Engineers. The project added many acres of reclaimed land destined to become Federal park lands. The site where the Robert F. Kennedy Stadium now stands was made firm land during this period. It was the intent of Congress that the reclaimed lands become Federal park lands and that title be vested in the United States. The Final Report of the Congressionally mandated Commission to investigate the title of the United States to lands in the District of Columbia in 1915 included the future Stadium site and surrounding acreage as being Titled to the United States; and the accompanying Map, prepared by direction of the Secretary of War, showed such lands as United States property (64th Congress First Session 1915-16 House Doc. 140). Congress, in 1918, declared that all reclaimed land from the Anacostia River be placed in the Federal Park System of the National Capital. The inclusion of the site of L'Enfant's proposed Grand Entrance to the City and Eastern approach to the Capitol in this land acquisition by the Federal Government kept faith with the L'Enfant Plan.

The Congress, Presidents and Federal planning officials from the early twentieth Century on recognized the importance of Federal Park lands in general and the very site on which the Stadium stands today. In 1929 the National Capital Park and Planning Commission prepared a Master Plan for that site featuring a national Sports Center sited north of the present Stadium. In

1930 in the Annual Report of the Planning Commission, Consulting Architect William Partridge reaffirmed the wisdom of L'Enfant in proposing the Grand Entrance to the City on the eastern extremity of the Capitol Axis. In 1948, the Federal Planning Commission unveiled a Master Plan, and similar to the 1929 plan, it proposed the development of the Main Entrance and Plaza on the Eastern approach to the Capitol. It featued a Stadium to the north of the present Stadium, and reflected the concept of a National Sports Center suitable for Olympic contests. The consistent legacy of Congressional recognition of national importance of this site had a direct bearing on 1957 Act, wherein the Department of The Interior took precise care to see that title to the land on which the Stadium was to be built, was retained by the United States; and further, that after 50 years or the completion of the financing of the Stadium, that title in the Stadium itself would be vested in the United States.

The above historical precedents would indicate that transfer of title to the Stadium and 136 acres of Federal parkland from the United States to the District of Columbia fails to fully realize the national significance of this area and its incalculable value to the American people as a whole, nor the present opportunity to realize to the fullest extent the dreams and Plans of George Washington and Pierre Charles L'Enfant for this site, thus meeting the future with faithfulness to the Founding Fathers. The loss of ownership by the United States -- which is all of the people of the Nation -- is further not in the national interest for the following reasons:

1. The land is the exact site chosen by Pierre Charles L'Enfant for the Grand Entrance and Eastern approach to the Capitol, and his historic Plan was laid before the First Congress of the United States on December 13, 1791 by President George Washington.

2. The two Presidential Proclamations of March 2, 1797 and July 23, 1798, to which the Official Plan of the City of Washington was attached, defined the original Seventeen Reservations as property of the United States forever. Since the 1797 Plan followed the lines of the L'Enfant Plan, it can reasonably be stated that had the present Stadium site not been marshland in 1797. it would have been included within the boundaries of original Reservation Thirteen.

3. Congress has followed a consistent policy with respect to the Stadium site since it declared this area to be part of National Capital's Park System in 1918. The views of Congress and Presidents have also been reflected in a century of planning, wherein the Federal planning recognized the national purpose of the Stadium site, and its dedication for Federal park purposes.

4. The Congress has, through the years, placed particular emphasis upon heeding the advice of the Nation's first President -- his Farewell Address being read annually in the Senate Chamber. His action in submitting to the Congress on December 13, 1791 the L'Enfant Plan, with the site where the Stadium now stands as a proposed Grand Entrance and approach to the Front of the Capitol, is, in itself, a precedent of major significance. In 1924, Herbert Hoover said, "We have profited for generations ... on account of the foresight of George Washington and those who have worked out the original Plan."

5. Lastly, when the Secretary of the Interior designated the Nation's Memorial to Robert F. Kennedy, he sought out a Federal facility or site, since national memorials are located on Federal lands and held in Title to the United States. The Transfer of Title in the Stadium and adjacent Federal park lands from the United States to the District of Columbia may well remove the original criterion and basis under which the stadium can continue to qualify as a national memorial to Robert F. Kennedy.

THE L'ENFANT PLAN OF 1791

THE L'ENFANT MAP OF WASHINGTON

Gen. McClure Exhibit 2

'IN CASE MAP

SIXTH.—*Commissioners' Letters, Vol. 5, p. 82.*

WASHINGTON, 25th *June*, 1795.

SIR: Some days ago we sent the plan of the City of Washington to the *President*, * * * and we request the favour of you to bring it with you when you return. * * *

(Signed) G. SCOTT.
W. THORNTON,
A. WHITE.
Commissioners.

WM. CRAIK, Esquire,
Phila.

SEVENTH.—*Commissioners' Proceedings, Vol. 1797–8, p. 191, August 31, 1798.*

Mr. Wm. Craik delivered into the office the *Plan of the City of Washington, with the Acts of the late and present Presidents annexed.*

Present: WILLIAM THORNTON,
ALEXANDER WHITE,
Commissioners.

EIGHTH AND LASTLY.—*Letter on File, No. 1363, February 26, 1799, p. 3.*

(The reply by James Read Dermott to the Commissioners' question No. 2.)

I understand by Ellicott's plan, the printed one, all the alterations and changes, except a few blank squares, were made by the Ellicotts, Freeman, Ralston, and Nicholas King (surveyors), before my plan was made. My plan was made for the purpose of connecting the Channels of the potomak and Eastern Branch with the squares in the city. It was made from official documents returned from the surveyors in the field, agreeably to regulations made by the Commissioners at April meeting, 1793. These returns are still in your office, and can still testify my assertion. * * *

(Signed) JAMES R. DERMOTT.

The instruments of writing, or acts of the said Presidents, annexed to the plan by President John Adams, and removed therefrom for the reasons stated in writing upon the plan, are on file in this office.

I certify that the above is a true extract from the records of this office.

JOHN STEWART, C. E.,
Draughtsman in Charge of Old Records.

APRIL 27, 1888.

I then addressed a letter, April 30, 1888, to Colonel John M. Wilson, Corps of Engineers, United States Army, asking for a certified copy of the papers at one time attached to the Dermott map, as here stated by John Stewart, C. E., and received as follows:

OFFICE OF PUBLIC BUILDINGS AND GROUNDS.
Room 17, Basement, West Wing, War Department,
Washington, D. C., May 3, 1888.

R. A. COLLINS,
Assistant in Charge Coast Survey Office,
Washington, D. C.

DEAR SIR: In compliance with request contained in your letter of the 30th ultimo, I transmit herewith for the use of your office certified copies of certain letters from George Washington, President of the United States, and John Adams, President of the United States, and of an affidavit of Joseph Elgar.

Very respectfully, your obedient servant,

JOHN M. WILSON,
Colonel United States Army.

GEORGE WASHINGTON, PRESIDENT OF THE UNITED STATES OF AMERICA

TO THOMAS BRALL OF GEORGE & JOHN M. GANTT:

You are hereby requested to convey all the streets in the City of Washington, as they are laid out and delineated in the Plan of the said City hereto annexed, and also the several squares, parcels & lots of ground following, to wit:

THE CITY OF

First. The public appropriation beginning at the intersection of the south side of North H street, and at the west side of a street ninety feet in width, drawn parallel to the west side of square numbered two hundred and twenty-one, and running due south with the west side of said street until it intersects the south side of an east & west street, drawn parallel to the south front of said square, numbered two hundred and twenty-one, being ninety feet wide; thence east with the south side of said street until it intersects the west side of fifteenth street west; thence south with the west side of fifteenth street west until it intersects the north side of Canal street; thence westerly with the north side of Canal street until it intersects the east side of Seventeenth street west; thence north, with the east side of Seventeenth street west, until it intersects the south side of an east & west street of ninety feet wide, from the south side of square numbered One hundred & sixty-seven; thence east with the south side of said street until it intersects the east side of a north and South street of ninety feet wide, from the east side of Square numbered One hundred and Sixty-seven aforesaid; thence north with the east side of said street until it intersects the south side of North H Street; thence east with the south side of said street to the beginning.

Second. The public appropriation beginning at the intersection of the North side of an east and west street of ninety feet wide, from the north front of square numbered six hundred and eighty-eight, and the west side of first street east; thence west along the north side of said street until it intersects the west side of a north and south street, drawn at the distance of ninety feet from the west front of square numbered six hundred and eighty-eight; thence south with the west side of said street until it intersects the north side of South B street; thence west with the north side of south B street until it intersects the east side of first street west; thence north with the east side of first street west until it intersects the north side of Maryland Avenue; thence southwesterly with the north side of Maryland Avenue until it intersects the north side of south B street; thence west with the north side of south B street until it intersects the east side of fifteenth street west; thence north with the east side of fifteenth street west until it intersects the south side of Canal street, drawn at a distance of eighty feet, on the south side of said Canal; thence east with the south side of said street until it intersects the South side of Pennsylvania Avenue; Thence with the south side of Pennsylvania Avenue until it intersects the east side of first street west; thence north with the east side of first street west until it intersects the south side of North B street; Thence east with the south side of North B street until it intersects the west side of a North and south street of ninety feet wide, drawn parallel to the west front of Square numbered Six hundred and eighty-seven; Thence south with the west side of said street until it intersects the south side of an east & west street ninety feet wide, from the south front of Square numbered Six hundred and eighty-seven; Thence east with the south side of said street until it intersects the west side of first street east; Thence south with the west side of said street to the beginning.

Third. The public appropriation beginning at the intersection of the south side of Canal street, drawn on the south side of the Canal, and the west side of fifteenth street west. Thence south with the west side of fifteenth street west until it intersects the Potomac river. Thence northwesterly until it intersects the Canal; thence easterly with the Canal to the beginning.

Fourth. The public appropriation bounded on the north by the south side of north B street; on the east by the west side of twenty-third street west; on the west by the east side of twenty-fifth street west; and on the south by the Potomac River.

Fifth. The public appropriation bounded on the north by south T street; on the east by Canal street; on the south by the eastern branch, or Anacostia River; and on the west by the Potomac River.

Sixth. The public appropriation bounded on the north by north B street; on the west by twenty-first street west; on the east by twentieth street west; and on the south by the Potomac River.

Seventh. The public appropriation beginning at the intersection of the north side of Canal street and the east side of ninth street west; thence north to the south side of an avenue, drawn in front of square numbered three hundred and eighty-two; Thence northeasterly with the south side of said Avenue until it intersects the south side of Pennsylvania Avenue; thence with the south side of said Avenue until it intersects the west side of Seventh street west; Thence with the west side of said street until it intersects Canal street; thence west with the north side of Canal street to the beginning.

Eighth. The public appropriation beginning at the intersection of the east side of ninth street west and the north side of an east and west street of One hundred feet wide, from the north fronts of squares numbered four hundred and six & four hundred and thirty; Thence north with the east side of said ninth street until it intersects the south side of an east and west street of ninety feet wide, from the south fronts of squares numbered four hundred and five and four hundred and twenty-nine; thence east with the south side of said street until it intersects the west side of seventh street west; thence south with the west side of seventh street until it intersects the north side of the east and west street first mentioned; Thence west with the north side of said street to the beginning.

Ninth. The appropriation beginning at the intersection of the east side of fifth street west and the south side of North G street; thence east with the south side of said G street until it intersects the west side of fourth street west; thence south with the west side of fourth street west until it intersects the north side of an avenue; Thence westerly, parallel with the north fronts of squares numbered five hundred and thirty-three and four hundred and ninety, until it intersects the east side of fifth street west, leaving the street equally wide; Thence with the east side of fifth street west to the beginning.

Tenth. The appropriation beginning at the intersection of the east side of four & an half street west and south side of North C street; Thence with the south side of said C street until it intersects the west side of third street west; thence south with the west side of said third street west until it intersects the North side of north B street; Thence west until it intersects the north side of Pennsylvania Avenue;

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Thence with the north side of said avenue until it intersects the east side of four & an half street west; Thence north with the east side of four & an half street west to the beginning.

Eleventh. The appropriation beginning at the intersection the east side of third street west and south side of north C street; thence east with the south side of said C street until it intersects the west side of second street west; thence south with the west side of second street west until it intersects the north side of north B street; Thence west with the north side of north B street until it intersects the east side of third street west; Thence north with the east side of said third street west to the beginning.

Twelfth. The appropriation bounded on the North by B street north, on the east by second street west, on the southwest by Pennsylvania Avenue, and on the west by third street west.

Thirteenth. The appropriation bounded on the north by the south side of south B street, on the west by the east side of nineteenth street east, the south by the north side of south G street, and on the east by the eastern Branch, or Anacostia River.

Fourteenth. The appropriation bounded on the west by the east side of seventh street east, on the northwest by the south side of Georgia Avenue, on the north by the south side of M street south, on the east by the west side of ninth street east, and on the south by the eastern Branch, or Anacostia River.

Fifteenth. The public appropriation bounded on the north by south K street, on the south by south L street, on the east by Sixth street east, and on the west by fifth street east.

Sixteenth. The public appropriation bounded on the north by K street south, on the south by L street south, on the west by Sixth street east, and on the east by an alley of Sixty feet wide, bounding square eight hundred & eighty.

Seventeenth. The appropriation beginning at the intersection of the west side of first street east and the south side of south B street; thence south with the west side of said first street east until it intersects the south side of an east & west street, one hundred feet in width, from the south front of Square numbered seven hundred & thirty-six; thence east with the south side of said street until it intersects the west side of third street east; thence south with the west side of third street east until it intersects the north side of an east & west street, of One hundred feet in width, from the north front of Square numbered seven hundred & thirty-seven; thence west with the north side of said street until it intersects the west side of a north & south street, seventy feet in width, from the west front of square numbered seven hundred & thirty-seven; thence south with the west side of said street until it intersects the north side of Canal street; thence with the north side of Canal street until it intersects the south side of south B street; thence east with the south side of said street to the beginning, as the same are also laid out and delineated on the said plan, to Gustavus Scott, William Thornton, and Alexander White, Commissioners, appointed under the Act of Congress entitled "An Act for establishing the temporary & permanent seat of the Government of the United States," to hold to the said Gustavus Scott, William Thornton, & Alexander White, & their Successors in Office, as Commissioners aforesaid, to the use of the United States forever, according to the tenor of the Act of Congress aforesaid.

Given under my hand & the Seal of the United States this Second day of March, in the Year One thousand seven hundred & ninety-seven.

(Signed) GEORGE WASHINGTON.

U. S. SEAL.

By the President:

TIMOTHY PICKERING,
Secretary of State.

JOHN ADAMS, PRESIDENT OF THE UNITED STATES OF AMERICA.

To THOMAS BEALL OF GEORGE AND JOHN M. GANTT:

Whereas George Washington, late President of the United States, by his Act bearing date the Second day of March, in the year One thousand seven hundred and ninety-seven, did request you, the said Thomas Beall of George and John M. Gantt, to convey all the streets in the City of Washington, as they are laid out and delineated in the plan of the said City, in the said Act mentioned, to be thereto annexed; and also the several squares, parcels, and lots of ground appropriated to the use of the United States, and particularly described in the said act, to Gustavus Scott, William Thornton, and Alexander White, Commissioners, appointed under the act of Congress entitled "An Act for establishing the temporary and permanent Seat of the Government of the United States," the annexing of which plan was at that time omitted. Now know ye, that I have caused the said plan to be annexed to the said Act of the late President of the United States, and to this writing. And I do hereby request you, the said Thomas Beall of George and John M. Gantt, to convey all the streets in the said City of Washington, as they are laid out and delineated in the plan of the said City hereto annexed, and all the Squares, Parcels, and lots of ground described in the said Act of the late President of the United States as public appropriations, to the said Gustavus Scott, William Thornton, and Alexander White, and their Successors in Office, as Commissioners aforesaid, to the use of the United States forever, according to the tenor of the Act of Congress aforesaid.

Given under my hand and the Seal of the United States this twenty-third day of July, in the year One thousand seven hundred and ninety-eight.

(Signed) JOHN ADAMS.

U. S. SEAL.

By the President:

TIMOTHY PICKERING,
Secretary of State.

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WASHINGTON CITY, *March* 30, 1854.

I, Joseph Elgar, late Commissioner of Public Buildings of the United States, do hereby certify and declare that at the time I was Commissioner the two papers hereunto attached, one dated March 2, 1797, and signed by George Washington, then President of the United States, and the other dated July 23, 1798, and signed by John Adams, then President of the United States, were attached to a certain manuscript plan of the City of Washington, and were detached therefrom by me.

I have this day identified said plan by subscribing my name to a certificate thereon written in the following words, viz:

"WASHINGTON CITY, *March* 30, 1854.

"This plan of the City of Washington I recognize as the plan of the City to which were attached two papers, one signed by George Washington, March 2, 1797, the other by John Adams, July 23, 1798, which papers I have this day identified as having been attached to this plan, this being the plan referred to in the first paragraph of the paper first above mentioned. The said papers having become very much disfigured and torn by the unrolling and rolling up of the plan, I detached them in order to prevent their entire destruction."

(Signed) JOSEPH ELGAR.

DISTRICT OF COLUMBIA,
Washington County, to wit:

On this thirtieth day of March, eighteen hundred and fifty-four, the within-named Joseph Elgar, to me well known, personally appeared before me and made solemn oath on the Holy Evangelists of Almighty God that the foregoing certificate, by him signed in my presence, is true.

(Signed) B. B. FRENCH,
Justice of the Peace.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS,
Washington, D. C., May 3, 1886.

I certify that the foregoing letters from George Washington, President of the United States, and from John Adams, President of the United States, and the affidavit signed Joseph Elgar, are true copies of the originals on file in this office.

JOHN M. WILSON,
Lieutenant-Colonel of Engineers, Colonel United States Army,
In Charge of Public Buildings and Grounds.

It will be noted that James R. Dermott's name is spelled erroneously, Dermot, throughout the old manuscripts. I have followed the Dermott spelling throughout as given in his own signature.

The tracings of the Dermott Map of the City of Washington, in the District of Columbia, which have been prepared to be photolithographed, are as nearly exact copies as it is practicable to make. They have been carefully prepared under my personal direction by Mr. H. J. Schneider, and compared by Mr. E. A. Tressel, and the whole verified by Mr. A. Lindenkohl, Draughtsman U.S. Coast and Geodetic Survey, and Acting Chief of the Drawing Division of the Coast and Geodetic Survey Office. Nothing has been added and nothing has been omitted. I respectfully submit the whole for your approval for publication.

Yours respectfully,

B. A. Colonna

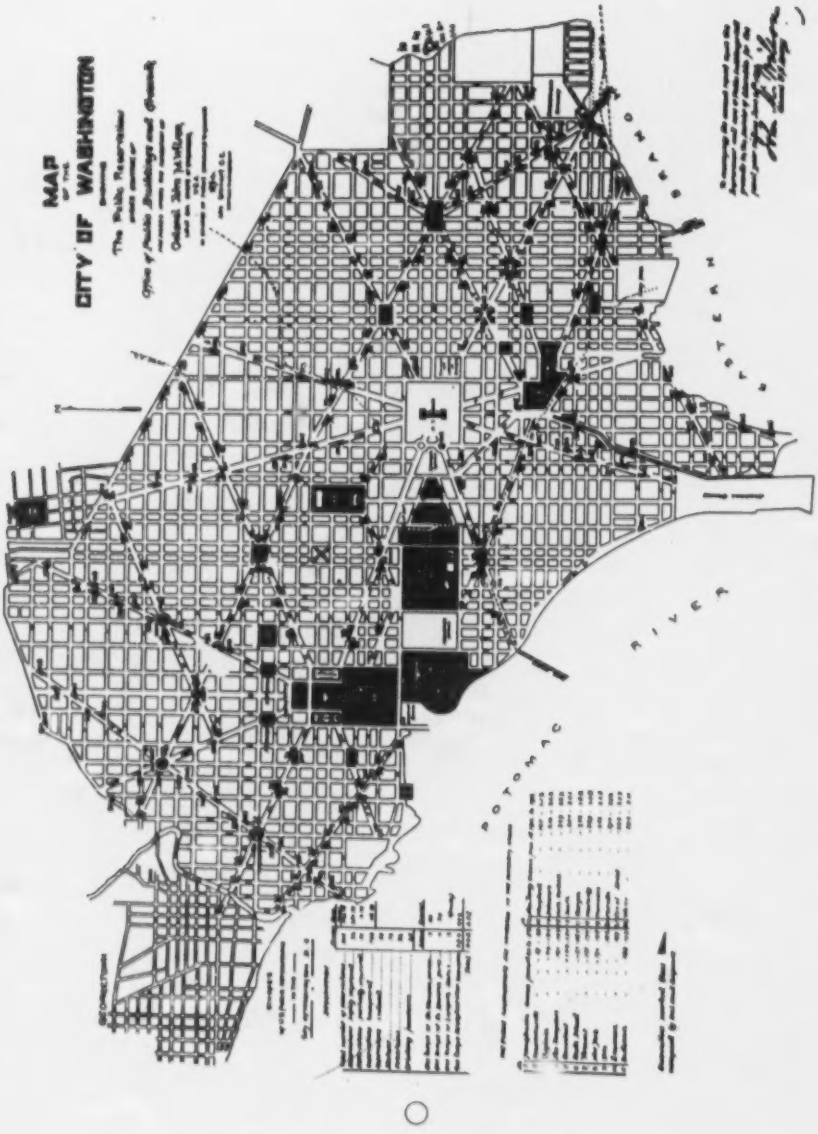
Assistant United States Coast and Geodetic Survey,
In Charge of Office and Topography.

Approved for publication.

F. M. Thorn

Superintendent.

Exhibit 3



MAP OF THE CITY OF WASHINGTON, 1894